IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:
THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :15378 of 2007

DATED:20.07.2007.

Between:
The Principal Secretary to Govt & another

.....PETITIONERs

AND

Mohd Ashfaq Ahmed Khan

.....RESPONDENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:15378 OF 2007

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

This writ petition is filed by the petitioner seeking to call for the records pertaining to the order dated 8.3.2007 passed in O.A.No:3436/2006 by the A.P. Administrative Tribunal and set aside the same as unjust.

The respondent is the applicant before the tribunal. Originally, he filed the O.A. seeking to declare G.O.Rt.No:711, dated 18.4.2006 as highly illegal and arbitrary. The Tribunal having observed that the petitioners herein did not come forward with any counter by explaining the delay in initiating the disciplinary proceedings and the applicant is under suspension for nearly three and half years and there is no material to show that any charge memo was issued and the enquiry officer was appointed and therefore, there is no justification to keep the applicant under suspension, allowed the O.A. directing the petitioners herein to reinstate the applicant into service within a period of two Weeks from the date of receipt of a copy of the order. Having aggrieved by the same, the present W.P. is filed by the petitioners.

Heard the learned counsel and perused the order impugned

as well as the material available on record.

Before going to deal with the merits of the case, it is submitted by the learned G.P. for Services-I that the charge memo could not be issued due to the pendency of ACB case and there is no willful negligence in delaying the disciplinary proceedings and therefore, four months time may be granted to complete the entire disciplinary proceedings.

In the facts and circumstances of the case, We see some force in the contention raised by the learned G.P. for Services-I. In this view of the matter, We feel it appropriate to direct that the disciplinary proceedings should be concluded within a period of four (4) months from the date of receipt of a copy of this order. Consequently, the order of the tribunal is set aside.

Subject to the above direction, this writ petition is disposed of.

(JUSTICE T.MEENAKUMARI)

Date:20th July, 2007

(JUSTICE G.CHANDRAIAH)

gurc/nn

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:15378 of 2007

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

20th July, 2007.